

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TOMMY LAMAR WALDEN,	{	CHAPTER 13
	{	
DEBTOR(S)	{	CASE NO. R21-40167-BEM
	{	
	{	JUDGE BONAPFEL

SUPPLEMENTAL OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i). Therefore, the Trustee requires that the Debtor(s) provide the Trustee with a sworn statement by the Debtor(s), in addition to the tax return, which states that the tax return provided is a true copy of the most recent tax return filed.

2. The Debtor has not filed copies of all payment advices or other evidence of payments received within sixty (60) days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(B)(iv) and Rule 1007(b)(1)(E) F.R. Bankr. P; specifically, the Debtor has failed to file a statement regarding pay advices.

3. All prior bankruptcy cases of the Debtor(s), or pending related bankruptcy cases, may not have been disclosed; thereby, indicating a lack of good faith in proposing the instant repayment plan, possibly in violation of 11 U.S.C. Section 1325(a)(3).

4. Pursuant to the testimony at the meeting of creditors, it appears that the Debtor's non-filing spouse is presently unemployed causing the present plan and budget to be infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

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5. The Debtor(s)' Chapter 13 plan and schedules are inaccurate and/or incomplete; the Trustee is unable to determine either the duration or feasibility of the proposed plan. 11 U.S.C. Sections 1322(d) and 1325(a)(6); specifically, the voluntary petition and attached schedules and other documents omit the Debtor and Debtor attorney's /s/ signatures, Schedule A/B omits description of a Wells Fargo account and Schedule C is incomplete.

6. The Debtor has failed to file tax returns with the tax authorities for the four (4) year period prior to filing in violation of 11 U.S.C. Section 1308.

7. The schedules provide that Security Finance and Service Loan Calhoun have secured claim(s); however, the Chapter 13 Plan fails to provide for said creditor(s).

8. The Debtor(s)' Statement of Financial Affairs is inaccurate and/or incomplete; the Trustee is unable to determine the feasibility of the proposed plan. 11 U.S.C. Section 1325(a)(6); specifically, question 4 omits the Debtor's non-filing spouse's income.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

_____/s/_____
Brandi L. Kirkland, Attorney
for Chapter 13 Trustee
GA Bar No. 423627

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CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

TOMMY LAMAR WALDEN
1436 NICKLESVILLE ROAD, NE
RESACA, GA 30735-5305

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

This 26th day of April, 2021

/s/

Brandi L. Kirkland, Attorney
for Chapter 13 Trustee
State Bar No. 423627

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